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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,490	10/16/2006	Philippe Garreau	REGIM 3.3-081	2317

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EXAMINER	
TRAN, CHUC	

ART UNIT	PAPER NUMBER
2821	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,490	GARREAU ET AL.	
	Examiner	Art Unit	
	CHUC D. TRAN	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11-15* is/are rejected.

7)☒ Claim(s) *10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 6-9 and 12-14 are withdrawn in view of the newly discovered reference(s) to (USP. 7,186,377) and (USP. 6,211,750). Rejections based on the newly cited reference(s) follow.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyama et al (USP. 7,186,377) in view of Persson et al (US 2002/0160717).

Regarding claim 1, Iyama et al reference teaches a device for controlling the specific absorption rate of mass-produced radiant objects in Fig. 16D and 26-30, comprising a test zone (2a) (Fig. 26, Col. 14, Line 17), a sensor (1) (Col. 9, Line 21) for measuring a power radiated (radio wave radiation) by an object (3) (Col. 15, Line 29) situated at the level of said test zone (2a) (Fig. 30) and at least one processing unit (80) which analyzes the power thus measured (Col. 8, Line 7-10), the sensor (51) comprising a phantom (2) exhibiting an opening disposed opposite the test zone (Col. 15, Line 27) and at least one measurement probe (1) disposed inside phantom

(2) (Fig. 32), Col. 15, Line 43). However, Iyama et al is silent on a limitation of a waveguide. Persson et al reference teaches in Fig. 4 a waveguide (404, 405) (Persson, Fig. 4, [0095]). It would have been obvious to incorporate the teaching of Persson et al into the teaching of Iyama et al for decreasing processing time in order to reduce manufacture cost.

Regarding claim 2, Iyama et al teaches that means (belt conveyor) (31) for conveying the objects (radio transmitter) (3) up to the test zone (Iyama, Fig. 26).

Regarding claim 3, Iyama et al teaches that a phantom (2) in a material having dielectric (10) properties similar to those of biological tissues (SAR) (Iyama, Fig. 7B, Col. 1, Line 32), and in which the waveguide (30) is immersed (Gould, 7).

Regarding claim 4, Iyama et al teaches that the phantom (2) is of cylindrical shape (Fig. 16D).

Regarding claim 5, Iyama et al teaches that the waveguide (2) is of circular cross-section (Fig. 16D)

Regarding claim 6, Iyama et al teaches that the waveguide (2) is horn (horn shape) (Fig. 17).

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyama et al and Persson et al as applied to claims above, and further in view of Gould (USP. 6,211,750).

Regarding claims 7-9, Iyama et al and Persson et al reference teaches every feature in the claimed invention excluding at least two orthogonal probes which run inside the waveguide; two pairs of orthogonal probes for deviometric processing; the two pairs of probes are linked to a deviometry means. Gould reference teaches in Fig. 1 and 4 at least two orthogonal probes (15) which run inside the waveguide (12) (Gould, Fig. 1, Col. 4, Line 20); two pairs of orthogonal

probes (A, B, C, D) for deviometric processing (180° phase different) (Gould, Fig. 4, Col. 4, Line 39); the two pairs of probes are linked to a deviometry means (180° phase different) (Gould, Fig. 4, Col. 4, Line 39) for improving the polarity of the waveguide in order to decrease processing time and reduce manufacture cost.

Regarding claim 11, Iyama et al teaches that an array of sensors (2, 1) exhibiting various orientations (Fig. 29).

Regarding claim 12, Iyama et al and Persson et al teaches that a base station simulator (420) (Persson, Fig. 4, [0096]).

Regarding claim 13, Iyama et al teaches that upstream of the belt conveyer (31) at least one sensor (51) guiding means able to impose a certain positioning on the radiant objects (transmitter) (3) (Col. 15, Line 27).

Regarding claim 14, Iyama et al teaches that the processing unit stores (6) matches between values of integrated specific absorption rates and values of electrical powers (Col. 1, Line 48), these matches being determined beforehand by calibration (Col. 2, Line 12).

Regarding claim 15, Iyama et al teaches that a shielded and anechoic container (41) containing a sensor (Fig. 32), Col. 16, Line 7).

Allowable Subject Matter

6. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUC D. TRAN whose telephone number is (571)272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuc D Tran/
Examiner, Art Unit 2821

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
June 22, 2009